9/Societies Registration/50

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File No.

Legal Department

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Subject:—

Opinions under the

Societies Registration Act, 1860

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366-A

C O N T E N T .

Legal Department File No. C Societies Registration/50.

Sr. No.	Compilation No.	Subject.	Pages.
		Opinions under the Societies Registration Act, 1860.	
1)	C.No. 2942/2-3/50.	Sec- 20 Ahmedabad House owners' Association. Submission of constitution of -- to the Registrar of societies xx for Registration of the Association mentions 1) Whether the objects of the Association can be said to ~~diffusion~~ diffusion fall within the meaning of "~~diffusion~~ of useful knowledge" under the Act, and 2) whether the Registrar can register such associations under the said act.	1-2.
2)	C.No. 9106/2-7/50.	Section 13 and 14.- Baroda (Application of laws) order 1949-(para 5(3)) The Disbursement of the balance of the amount on the dissolution of Society.	3-6.

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The Societies Registration Act, 1860. Section 20.

The Ahmedabad House Owners' Association is as is evident from its aims and objects, formed for the purpose of safeguarding the rights and interests of Ahmedabad house owners, an object alien to the purpose of the Societies Registration Act, 1860. Consequently the Association cannot be registered under that Act.

Sd/- 1/3

Remembrancer of Legal Affairs.

U.P. to F.D. No. 2942 dated the 2nd March 1950.

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Disbursement of the balance of the amount on the dissolution of Society.

Societies Registration Act, 1860, section 13,14.

Baroda (Application of laws) Order 1949- para 5(3))

Both under the Baroda Benevolent Societies Act as well as under the Societies Registration Act, 1860, whenever any Government is a member of or a contributor to or otherwise interested in any society registered under the Act, such society shall not be dissolved without the consent of the Government. It follows, therefore, that although three-fifths of the members of the society may have determined that it shall be dissolved, actual dissolution will not become effective until Government's consent is given. That consent is now to be given by the Government of Bombay, and there is no objection to giving the consent even at this stage to a determination made by three-fifths of the members of the society; for, no time limit is prescribed within which the consent is to be given.

2. The Baroda Act contained a provision that if three-fifths of the members so decided the property could be given not only to another society but in the absence of any society in any other manner so as to fulfil the original objects of the society. Although, therefore, the District Local Boards may not be strictly speaking societies, it was permissible under the Baroda Act to hand over the money to them so as to achieve the original objects. The Societies Registration Act, 1860, does not contain any analogous provision but requires that the money must be given to any other society. However, the resolution passed by the society will remain in effect under paragraph 5(3) of the Baroda (Application

of Laws) Order, 1949, and there would be no objection to implementing the resolution by giving the money to the Boards. No doubt the Boards which the resolution had in view are not in existence; but there are Boards for the area which the Resolution had in view. Since the distribution of the property was to be made on the basis of population, there should be no objection in terms of the resolution to transfer to the present Boards the property on the basis of the Baroda population within their jurisdiction.

sd/- 30/6

Remembrancer of Legal Affairs.

N.F. to F.D. No. 9106, dated 3rd July 1950.

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